

JAN 22 2010

A BILL FOR AN ACT

RELATING TO TECHNOLOGY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Through Act 2 of the First Special Session of
2 2007, the legislature created the Hawaii broadband task force to
3 provide recommendations on how to advance Hawaii's broadband
4 capabilities and use. The legislature finds that advanced
5 broadband services are essential infrastructure for an
6 innovation economy and a knowledge society in the twenty-first
7 century. High-speed broadband services at affordable prices are
8 essential for the advancement of education, health, public
9 safety, research and innovation, civic participation,
10 e-government, economic development and diversification, and
11 public safety and services. The legislature also recognizes the
12 evolution in the manner in which communications and information
13 services are delivered to the consumer, including by wireline,
14 wireless, cable television, and satellite infrastructures, and
15 that the voice, video, and data services provided over these
16 infrastructures are converging.



1 Meeting the following goals is critical if Hawaii is to
2 compete successfully in the global economy of the twenty-first
3 century:

4 (1) Ensure access to broadband communications to all
5 households, businesses, and organizations throughout
6 Hawaii by 2012 at speeds and prices comparable to the
7 average speeds and prices available in the top three
8 performing countries in the world;

9 (2) Increase availability of advanced broadband
10 communications service on a competitive basis to
11 reduce prices, increase service penetration, and
12 improve service to all persons in Hawaii;

13 (3) Increase broadband availability at affordable costs to
14 low-income and other disadvantaged groups, including
15 by making low-cost, broadband-capable computers
16 available to eligible recipients;

17 (4) Increase sharing of the infrastructure used to deploy
18 broadband in order to speed up implementation, reduce
19 costs to providers, reduce underlying costs to
20 providers through incentives rather than eminent
21 domain procedures, ease deployment of broadband, and
22 ease entry into a competitive broadband marketplace;



(5) Increase flexible, timely, and responsible access to public rights-of-way and public facilities for broadband service providers; and

(6) Develop a more streamlined permit approval process that reduces the time and cost of infrastructure deployment, to be created jointly by disparate permitting agencies, stakeholders, and other interested parties.

The purpose of this Act is to begin implementation of activities to achieve these goals by:

(1) Establishing an office of telework promotion and broadband assistance and a broadband advisory council;

(2) Establishing a work group to develop procedures for streamlined permitting functions applicable to the development of broadband services or technology; and

(3) Requiring all state agencies to report annually to the legislature on all expenditures of federal moneys received pursuant to the American Recovery and Reinvestment Act of 2009 or other federal funds, for the purposes of purchasing broadband facilities, services, or equipment, or entering into contracts for broadband-related projects.



SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER

HAWAII BROADBAND ASSISTANCE

§ -1 Office of telework promotion and broadband assistance; establishment; duties. (a) There is established within the department of commerce and consumer affairs for administrative purposes, the office of telework promotion and broadband assistance to encourage telework as a family-friendly, business-friendly public policy that promotes workplace efficiency and reduces strain on transportation infrastructure. The director of commerce and consumer affairs shall appoint an executive director and such additional telework and broadband professionals as deemed necessary to work with public and private entities to develop widespread access to broadband services.

(b) The executive director shall have the following duties:

- (1) Promote and encourage use of telework alternatives for public and private employees, including but not limited to appropriate policy and legislative



1 initiatives. Upon request, the executive director may
2 advise and assist private sector employers in Hawaii
3 in planning, developing, and administering programs,
4 projects, plans, policies, and other activities for
5 telecommuting by private sector employees and in
6 developing incentives provided by the private sector
7 to encourage private sector employers in Hawaii to
8 utilize employee telecommuting;

9 (2) Advise and assist state agencies, and upon request of
10 the counties, advise and assist the counties, in
11 planning, developing, and administering programs,
12 projects, plans, policies, and other activities to
13 promote telecommuting by employees of state and county
14 agencies;

15 (3) Support the efforts of both public and private
16 entities in Hawaii to enhance or facilitate the
17 deployment of, and access to competitively priced,
18 advanced electronic communications services, commonly
19 known as broadband, and internet access services of
20 general application throughout Hawaii;

21 (4) Work towards establishing affordable, accessible
22 broadband services to unserved areas of Hawaii and



1 monitor advancements in communication that will
2 facilitate this goal;

3 (5) Advocate for, and facilitate the development and
4 deployment of, applications, programs, and services
5 including, but not limited to telework, telemedicine,
6 and e-learning that will bolster the usage of and
7 demand for broadband level telecommunications;

8 (6) Serve as a broadband information and applications
9 clearinghouse for the State and a coordination point
10 for broadband-related services and programs;

11 (7) Advise the director of commerce and consumer affairs
12 on broadband adoption, deployment, and application
13 issues; and

14 (8) Coordinate activities regarding telework with, and
15 regularly report to, the broadband advisory council.

16 (c) The executive director shall submit an annual report
17 to the legislature on the operations of the office of telework
18 promotion and broadband assistance, including telework
19 participation levels and trends of both private and public
20 sector employees in Hawaii.

21 § -2 Broadband advisory council; purpose; membership;
22 compensation; chairperson. (a) There is established within the



1 department of commerce and consumer affairs for administrative
2 purposes, the broadband advisory council to advise on policy and
3 funding priorities to expedite deployment and reduce the cost of
4 broadband access in Hawaii.

5 (b) The council shall be composed of thirteen members
6 appointed by the governor, as provided in section 26-34, except
7 as otherwise provided in this section:

8 (1) Two members of the senate, appointed by the president
9 of the senate;

10 (2) Two members of the house of representatives, appointed
11 by the speaker of the house of representatives;

12 (3) Four representatives of federal, state, and county
13 government entities having a role in infrastructure
14 deployment; management of public rights-of-way,
15 regulation, and franchising; information technology;
16 and economic development; and

17 (4) Five representatives of Hawaii's private sector
18 technology, telecommunications, and investment
19 industries, including the incumbent local exchange
20 carrier.

21 All members shall serve for a term of four years. Any vacancies
22 occurring in the membership of the advisory council shall be



1 filled for the remainder of the unexpired term in the same
2 manner as the original appointments.

3 (c) The members of the advisory council shall select the
4 chairperson of the advisory council and shall meet at times as
5 may be called by the chairperson or a majority of the advisory
6 council. Members shall be reimbursed for reasonable expenses,
7 including travel expenses, necessary for the performance of
8 their duties. Administrative support to the advisory council
9 shall be provided by the office of telework promotion and
10 broadband assistance.

11 (d) The advisory council shall:

12 (1) Monitor the broadband-based development efforts of
13 other states and nations in areas such as business,
14 education, and health;

15 (2) Advise the office of telework promotion and broadband
16 assistance and the legislature on policies and
17 strategies related to making affordable broadband
18 services available to every Hawaii home and business;

19 (3) Monitor broadband-related activities at the federal
20 level;



(4) Monitor regulatory and policy changes for potential impact on broadband deployment and sustainability in Hawaii;

(5) Encourage public-private partnerships to increase the deployment and adoption of broadband services and applications; and

(6) Periodically review and comment on the quality, availability, and accessibility of state-maintained or funded broadband resources and programs.

(e) The advisory council shall submit an annual report to the legislature and the office of telework promotion and broadband assistance on the progress towards the goal of universal access to broadband communication for businesses and on the assessment of state broadband infrastructure investments and utilization of advisory council supported resources to promote broadband access."

SECTION 3. Work group; establishment; reporting. (a) The director of commerce and consumer affairs shall convene a work group to develop procedures for streamlined permitting functions that are applicable to the development of broadband services and broadband technology which are normally available to state and local governments for the use or development of broadband



1 service or broadband technology. Members of the work group
2 shall include:

3 (1) The director of commerce and consumer affairs, or the
4 director's designee;

5 (2) The mayor of the county of Hawaii, or the mayor's
6 designee;

7 (3) The mayor of the city and county of Honolulu, or the
8 mayor's designee;

9 (4) The mayor of the county of Kauai, or the mayor's
10 designee;

11 (5) The mayor of the county of Maui, or the mayor's
12 designee;

13 (6) The chairperson of the Hawaii broadband task force
14 established by Act 2, First Special Session Laws of
15 Hawaii 2007; and

16 (7) Two representatives of state agencies with
17 jurisdiction over land use and permitting at the state
18 level.

19 (b) The work group shall submit to the legislature no
20 later than January 1, 2011, a report with its recommended
21 procedures for streamlining and expediting all permitting
22 functions normally available to state and local governments for



1 the use or development of broadband service or broadband
 2 technology. The procedures shall be consistent across all
 3 counties and shall provide that any permitting fees and revenues
 4 traditionally accruing to the counties that relate to the use or
 5 development of broadband service or broadband technology will
 6 continue to accrue to the counties once the procedures go into
 7 effect.

8 SECTION 4. All state agencies shall report annually to the
 9 legislature on the receipt and expenditure of federal moneys
 10 from the American Recovery and Reinvestment Act of 2009, and
 11 moneys from other federal appropriation measures or applicable
 12 federal acts, for the purposes of purchasing broadband
 13 facilities, services, or equipment, or for entering into
 14 contracts for broadband-related projects.

15 SECTION 5. This Act shall take effect on July 1, 2010;
 16 provided that section 2 shall take effect on January 1, 2011.

17

INTRODUCED BY:

[Handwritten signatures: J. K. G. 88, Mike Helmer, Clarence D. Miskimen, and others]

[Handwritten signatures: Ann Johnson, Rosely D. Baker, David Y. J., and others]



Report Title:

Technology; Broadband; Office of Telework Promotion and
Broadband Assistance; Broadband Advisory Council; Federal Moneys

Description:

Establishes an office of telework promotion and broadband assistance and a broadband advisory council; establishes a work group to develop procedures for streamlined permitting functions applicable to development of broadband services or technology; requires all state agencies to report annually to the legislature on expenditures of federal moneys for broadband facilities, services, equipment, or contracts.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

